

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENTS ON BEHALF OF STUDENT,

v.

HORICON ELEMENTARY SCHOOL
DISTRICT.

OAH Case No. 2015100800

ORDER GRANTING MOTION TO
AMEND COMPLAINT

On October 20, 2015, Parents on behalf of Student filed a Due Process Hearing Request with the Office of Administrative Hearings, naming Horicon Elementary School District.

On November 2, 2015, Student filed a “Corrected Motion to Amend Due Process Complaint.” Student’s motion qualifies as a Motion to Amend the Due Process Hearing Request. No opposition was received from District.

APPLICABLE LAW AND DISCUSSION

An amended complaint may be filed when either (a) the other party consents in writing and is given the opportunity to resolve the complaint through a resolution session, or (b) the hearing officer grants permission, provided the hearing officer may grant such permission at any time more than five (5) days prior to the due process hearing. (20 U.S.C. §1415(c)(2)(E)(i).) The filing of an amended complaint restarts the applicable timelines for the due process hearing. (20 U.S.C. §1415(c)(2)(E)(ii).)

Student’s motion to amend was submitted more than five days before the hearing, is therefore timely, and is granted. The amended complaint shall be deemed filed on the date of this order. All applicable timelines shall be reset as of the date of this order. OAH will issue a scheduling order with the new dates.

IT IS SO ORDERED.

DATE: November 13, 2015

/s/

PAUL H. KAMOROFF
Administrative Law Judge
Office of Administrative Hearings